

REMARKS

By this amendment, claims 5-9, 11, 13, 15 and 23-27 remain in the application. Claims 1-4, 10, 12, 14 and 16-22 were previously canceled without prejudice or disclaimer.

Claim 23 was objected to because of informalities. Claim 23 has been amended to change “bend region” to “bent region” as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

Claims 5-9, 11, 13, 15 and 23-27 were rejected under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 has been amended to recite the tubular member has a distal portion and a proximal portion, thereby overcoming the rejection.

Claims 6, 7, 9, 13, 23, 24, and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,994,092 (van der Burg et al.). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over van der Burg et al. in view of U.S. Patent No. 6,443,972 (Bosma et al.). Claim 8 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over van der Burg et al. in view of US Patent App. Pub No. 2002/0058911 (Gilson et al.). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over van der Burg et al. in view of U.S. Patent No. 7,097,651 (Harrison et al.). Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over van der Burg et al. in view of U.S. Patent No. 6,241,746 (Bosma ‘746).

The courtesy extended by Examiner Sarah Webb in the telephone conversation with the undersigned on December 13, 2011 is acknowledged with appreciation. During the conversation, the prior art and proposed amendments to claim 23 were discussed.

Claim 23, as amended, recites that the first bent region is positioned distal of the first tubular portion and the second bent region is positioned proximal of the second tubular portion such that a first imaginary line tangent to the first bent region and perpendicular to the longitudinal axis does not intersect the first tubular portion and a second imaginary line tangent to the second bent region and perpendicular to the longitudinal axis does not intersect the second tubular portion such that the first imaginary line is distal of the first tubular portion and the second imaginary line is proximal of the second tubular portion. For the Examiner’s convenience, Figure 5 from the present application is reproduced below showing the imaginary tangent lines V1:

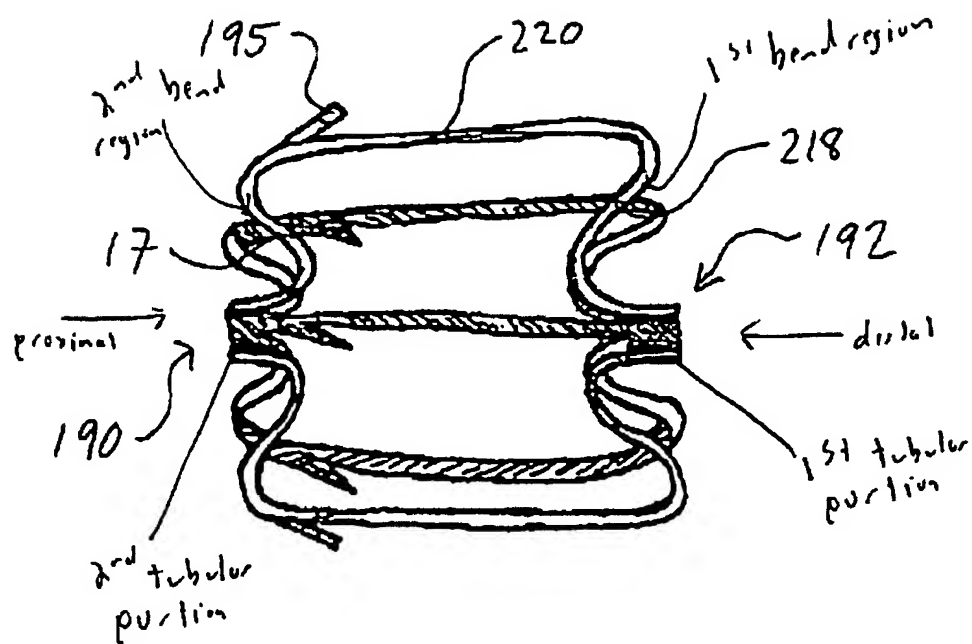


FIG. 35

As can be appreciated, in van der Burg, the first bent region is not distal of the first tubular portion and the second bent region is not proximal of the second tubular portion. In fact, van der Burg has the opposite structure as the first bent region is proximal of the first tubular portion and the second bent region is distal of the second tubular portion. Moreover, a line tangent to the first bent region and a line tangent to the second bent region which are perpendicular to the longitudinal axis intersects the first tubular portion. This is in contrast to the non-intersection of the tangent lines defined in claim 23. Still further, such lines are not distal and proximal of the first and second tubular portions, respectively.

Consequently, van der Burg does not teach or suggest the invention defined in claim 23 as not only does it lack the structure defined above, but contains the opposite structure. Therefore, van der Bur does not anticipate claim 23 and it would not be obvious to modify van der Burg to provide a structure opposite its teachings. Moreover, on page 10 of the present application, Applicants explain the significance of the balance between the radial stretch of the filter and the ability to direct particles inwardly toward the center of the filter and vessel. Such balance was not recognized nor is it achieved in the occluding device of van der Burg.

For at least the foregoing reasons, withdrawal of the rejection of claim 23 is requested.

Note claims 5-9, 11, 13, 15 and 24-27 depend from independent claim 23 and are therefore believed patentable for at least the same reasons as claim 23 is believed patentable.

Applicants respectfully submit that this application is now in condition for allowance.

No additional fee is believed to be required for this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to Deposit Account No. 50-1567. In the event any extensions of time are required with this Amendment, please treat this paper as a petition for such extension. The Commissioner is hereby authorized charge the required extension fee pursuant to 37 C.F.R. §1.17, to Deposit Account No. 50-1567.

Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

Dated: 12/14/11

By: 

Neil D. Gershon
Reg. No. 32,225
Attorney for Applicant

Neil D. Gershon
1011 High Ridge Road
Stamford, CT 06905
(203) 329-0289